

2013 Milwaukee County/CDBG
RFP #: CDBG-05
Title: Public Facilities and Public Improvement

I. INTRODUCTION AND BACKGROUND

The purpose of this document is to provide interested parties with information to enable them to prepare and submit a proposal and to inform them of basic requirements that the County uses as part of its standard contract process. *Your proposal should include the completed CDBG Application for Public Facilities and Public Improvement Projects and information requested in Section III below.*

Standard contract requirements concerning Affirmative Action, the Americans with Disabilities Act, Davis/Bacon, contract termination and modification, etc. are included in the County's boilerplate contract. This contract is subject to change.

II. SCOPE OF THE PROJECT

A. PROJECT DESCRIPTION

Under the CDBG Program, grantees may use funds to undertake a variety of public facilities and public improvement projects. In general, public facilities and public improvements are interpreted to include all facilities and improvements that are publicly owned, or that are owned by a nonprofit and open to the general public.

The CDBG Program is currently seeking projects to benefit low-and-moderate income persons only to persons residing within the member communities of the Milwaukee County Urban County Consortium. The member communities of the Milwaukee County Urban County CDBG Consortium include the following municipalities:

Village of Bayside	City of St. Francis
Village of Shorewood	City of Cudahy
Village of Whitefish Bay	City of South Milwaukee
Village of Fox Point	City of Oak Creek
Village of River Hills	City of Franklin
City of Glendale	City of Greenfield
City of Brown Deer	Village of Greendale
Village of West Milwaukee	Village of Hales Corners

ELIGIBLE APPLICANTS

Eligible applicants include and local government agencies and non-profit agencies.

NATIONAL OBJECTIVE

LMI Benefit National Objective Privately-owned utility activities may qualify under the LMI benefit national objective. The same requirements for documentation as for public facilities apply; therefore, refer to the national objective section on public facilities for detailed guidance.

Slum/Blight National Objective

Additionally, privately-owned utilities activities that aid in the prevention or elimination of slums or blight in a designated area may qualify under the slum/blight national objective. The same criteria for a public facility to meet this national objective apply; therefore, refer to the section above for detailed guidance.

Urgent Needs National Objective

Privately-owned utilities may also qualify under the Urgent Needs national objective. The same criteria required for public facilities to be documented as an urgent need apply in the case of privately-owned utilities; therefore, refer to the section above for detailed guidance.

Eligible Activities

The acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements are eligible activities under CDBG and can be carried out by a grantee, subrecipient, or other nonprofit. Public facilities may only be owned by these types of entities.

Eligible types of facilities and improvements include:

Infrastructure improvements (construction or installation) including, but not limited to streets, curbs, and water and sewer lines;

Neighborhood facilities including, but not limited to public schools, libraries, recreational facilities, parks, playgrounds; and

Facilities for persons with special needs such as facilities for the homeless or domestic violence shelters, nursing homes, or group homes for the disabled.

Eligible costs associated with eligible activities may include:

Energy efficiency improvements;

Handicapped accessibility improvements (including improvements to buildings used for general conduct of government); and

Architectural design features and other treatments aimed at improving aesthetic quality (e.g., sculptures, fountains).

If the assisted facility is owned by a nonprofit, the CDBG regulations stipulate that the facility must be open to the public during normal working hours.

ELIGIBLE COSTS

CDBG funds may be used to pay for:

- Activity hard costs, such as supplies and materials for the activity;
- Staff and overhead costs DIRECTLY related to carrying out the activity, such as providing direct services to consumers. This may include staff time spent supervising staff who are carrying out the activities specified in 24 CFR 570.201-204 when that time is spent addressing a direct consumer, service, or property issue. It does not include supervisory time spent on such functions as employee evaluations;
- Operating and maintenance expenses, such as the lease of a facility, office space, equipment, and other property for program staff employed in carrying out the CDBG funded activity.

INELIGIBLE COSTS

The maintenance and repair of public facilities and improvements is generally ineligible (e.g., filling potholes, repairing cracks in sidewalks, mowing grass at public recreational areas or replacing street light bulbs).

Operating costs associated with public facilities or improvements are ineligible unless part of a CDBG-assisted public service activity or eligible as an interim assistance activity.

A public facility otherwise eligible for assistance under the CDBG program may be assisted with CDBG funds even if it is part of a multiple use building containing ineligible uses, if:

The public portion of the facility that is otherwise eligible and proposed for assistance will occupy a designated and discrete area within the larger facility; and

The grantee can determine the costs attributable to the facility proposed for assistance as separate and distinct from the overall costs of the multiple-use building and/or facility. Allowable costs are limited to those attributable to the eligible portion of the building or facility.

B. OBJECTIVES

To provide improvements to public facilities and do public improvement projects that are publicly owned, or that are owned by a nonprofit and open to the general public.

C. NEEDS/EXPECTATIONS

1. Projects must assist low-and-moderate-income persons in the participating municipalities of the Milwaukee County Urban County CDBG Consortium.
2. It is expected that projects will meet documented community needs. This includes community needs identified in the Milwaukee *County Consolidated Plan 2010-2014* available on the County web site at <http://county.milwaukee.gov/HealthandHumanServices/7753/HousingDivision/Programs/CDBG-Program/Planning.htm>.
3. Projects must be consistent with the Milwaukee County Comprehensive Plan and with the Plans of the local municipality (City, Town, or Village) in which the project will be located.
4. Sub-recipients that are directly funded under the CDBG Program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the program. If a Sub-recipient conducts such activities, the activities must be offered separately in time or location, from the CDBG-funded program, and participation must be voluntary for the beneficiaries of the CDBG-funded program.
5. The project may not begin until the environmental review requirements at Part 58 are met and the County has given notice to proceed.
6. Any additional funding needed to make the project viable must be secured in order for a contract to be executed.
7. Projects must be able to begin and end in the year in which funds are awarded, i.e., 2013.

D. MAXIMUM FUNDING

The amount of funding available for this project is unknown at this time.

The County reserves the right to reject any and all proposals and to negotiate the terms of the contract, including the award amount, with the selected proposer prior to entering into a contract. If contract negotiations cannot be concluded successfully with the highest scoring proposer, the County may negotiate a contract with the next highest scoring proposer.

III. APPLICATION

Proposal Organization and Format – Required Form

Proposals should be submitted using the *Milwaukee County Application for 2013 CDBG Funds Public Services*. This application requires that **resumes of key staff be attached** to the application.

Multiple Proposals

Multiple proposals from a vendor will be permissible; however each proposal must conform fully to the requirements for proposal submission. Each such proposal must be separately submitted and labeled as Proposal #1, Proposal #2, etc.

Required Copies

Proposers must submit **an original and six (6) of copies, three-hole punched** of all materials required for acceptance as stated in this RFP. Proposers are required to submit one electronic copy in either PDF or Word format to Damon.Dorsey@Milwcnty.com.

IV. EVALUATION CRITERIA

Proposals will first be reviewed for project eligibility; those that are deemed eligible will then be scored. Scoring of proposals will be as follows:

Application Review Criteria	
Item	Available Points
1. Need and Justification	15
2. Benefit to Low-and-Moderate Income	5
3. Program/Project Approach	24
4. Jurisdiction	20
5. Experience and Qualifications	16
6. Program Budget and Other Sources of Funds	5
7. Past Performance	15
TOTAL POINTS	100

- 1. Need and Justification (15 points maximum):** The proposed activity overview adequately describes the problem that is being addressed by the proposed project (worth up to 5 points). Statements are substantiated and related to the needs and the priorities in the 2010 – 2014 Consolidated Plan (worth up to 5 points). Provides a description of how funds may be targeted to areas of greatest need (worth up to 10 points)
- 2. Benefit to Low-and-Moderate Income Persons (5 points maximum):** The application describes the population to be served. Additional points will be given to projects located in census tracts where 42.9% of the population is considered low-and-moderate income.
- 3. Project Approach (24 points maximum):** The application describes what the program/project will do; how it will be implemented, operated, and administered within a realistic time period; and how low-income participants will access services. The description should include:
 - A description of the work that will be undertaken and a description of how the work will address the identified problem (worth up to 10 points).
 - Identifies any partnerships that have been or will be formed to ensure the success of the project. (worth up to 5 points).
 - A work plan for how the project/program will be organized, implemented, operated, and administered, and the timeline and milestones from initiation to completion. Work on the project – meaning funds will be spent – will begin 2012 (worth up to 5 points).
 - Outreach and marketing initiatives that will be implemented to inform potential participants and to ensure that they are aware of the services/activities to be provided (worth up the 5 points.)
 - Outcomes are identified and can reasonably be expected to be achieved (worth up to 3 points).
- 4. Jurisdiction (20 points maximum):** The degree to which the proposed project served residents in the Milwaukee County CDBG jurisdiction. The greater the jurisdictional impact the higher the score.
- 5. Experience and Qualifications (16 points maximum):** The application provides documentation to justify the organization's capacity to conduct this project. The project is consistent with the mission of the organization. The organization has undertaken projects of similar complexity to the one for which funds are being required (worth up to 3 points). There are staff resources with the skills and experience to administer and conduct an accountable and responsible project (worth up to 10 points). There appears to be adequate board and

management oversight along with a commitment to quality and service improvement (worth up to 2 points).

6. **Budget and Other Sources of Funds (5 points maximum):** The application clearly explains and justifies each proposed budget line item and why CDBG and/or HOME funding is required to make the project viable. The budget is realistic. Efforts have been made to secure other funding for the project. The application identifies eligible sources of match, if required.
7. **Past Performance (15 points maximum):** If the organization has been previously funded, a review of past expenditures and performance shows that the organization has been able to meet timeless and goals in a reasonable fashion, i.e., no unexpended dollars from 2010. Compliance with the contract will include but not be limited to submission of reports and adherence to scope of services (Worth up to 10 points with maximum points being awarded to projects.)

V. SPECIAL CONTRACT TERMS AND CONDITIONS

Procurement

1. Contractors of Milwaukee County CDBG funding will comply with the procurement standards under 24 CFR 85.36 for governmental contractors and 24 CFR 84.40-48 for contractors that are non-profit organizations, including the requirements for bonding in procurement.
2. The Contractor is the responsible authority, without recourse to HUD or the County regarding the settlement of all contractual and administrative issues arising out of the procurement entered in support of the award or other agreement.
3. The Contractor shall conduct all procurement in a manner to provide to the maximum extent practicable, open and free competition. Contractors that develop or draft specifications, requirements, statement of work, invitations for bids or requests for proposals shall be excluded from competing for a project.
4. General requirements for procurement include, but are not limited to:
 - a. Contractors must maintain records to detail the significant history of procurement. These records include, but are not limited to: files on the rationale for selecting the method of procurement used, selection of the contract type, the contractor selection/rejection process, and the basis for the cost or price of a contract.
 - b. Pre-qualified lists of vendors/contractors, if used, must be current, developed through open solicitation, include adequate numbers of qualified sources, and must allow entry of other firms to qualify at any time.
 - c. Steps should be taken to assure that women and minority businesses are utilized when possible as the sources of supplies, equipment, construction and services.
 - d. Contractors must ensure that awards are not made to any party that is debarred or suspended or is otherwise excluded from or ineligible for participation in the Federal assistance programs under Executive Order 12549.
 - e. There must be written selection procedures for procurement transactions.
 - f. Contractors must not use *cost plus a percentage of cost* pricing for contracts. In addition, Contractors should use *time and material* type contracts only after a determination is made that no other contract type is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.
 - g. Contractors must have protest procedures in place to handle and resolve disputes relating to their procurement and in all instances report such disputes to the County.
 - h. There must be a documented system of contract administration for determining the consistency of contractor performance.
 - i. Contractors must have a written code of conduct governing employees, officers, or agents engaged in the award or administration of contracts.

Excluded Parties List System (EPLS)

No contracts may be awarded to any party that is debarred or suspended or is otherwise excluded from participation on federal assistance programs.

Lobbying Certification

Prior to entering into an agreement to provide services, the contractor will be required to sign a certification attesting to the following:

1. No federally appropriated funds have been paid, or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal contract, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The contractor shall require that the language of this CERTIFICATION be included in the award documents for all sub-awards at all tiers (including subcontractors, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

Equal Opportunity Clause

During the performance of this contract, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order 11246 of Sept. 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967 and with the rules, regulations, and relevant orders of the Secretary of Labor.
5. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965 as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his/her books, records, and accounts by the

contracting agency, County of Milwaukee, HUD, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

6. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, the contract may be cancelled, terminated, or suspended in whole or in part and the contract may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965 as amended, and such other sanctions may be imposed or remedies invoked as provided in Executive Order No. 11246 of September 24, 1965 as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

The contractor will include the provisions of paragraphs 1 through 7 in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965 as amended, so that such provisions will be binding upon each subcontract or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency and/or County of Milwaukee may direct as a means of enforcing such provisions, including sanctions for noncompliance.

Federal Funding Accountability and Transparency Act of 2006 (FFATA)

The Federal Funding Accountability and Transparency Act of 2006 (FFATA) and associated amendments requires that information on subawards related to Federal contracts, sub-contracts, grants, and sub-grants be made publicly available. Specifically, the Transparency Act's section 2(b)(1) requires the Office of Management and Budget to establish a publicly available website that contains the following information about each Federal award:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the Catalog of Federal Domestic Assistance number, program source, descriptive award title;
- Location of the entity receiving the award and primary location of performance under the award including City, State, congressional district, and country;
- Unique identifier (Dun & Bradstreet DUNS Number) of the entity receiving the award and the parent recipient of the recipient, should the entity be owned by another entity; and
- Names and total compensation of the five most highly compensated officers of the entity, if the entity in the preceding fiscal year received 80% or more of its annual gross revenues in Federal awards; and \$25 million or more in annual gross revenues from Federal awards; and the public does not have access to this information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986.

Vendors awarded funds will be required to provide this information prior to the issuance of a contract.

VI. Contact Information

Please check the website routinely to receive any updates or changes to this RFP. For clarifications or questions concerning this application your contact is listed below. Responses to questions submitted will be posted to the website.

Contact: Damon Dorsey

E-Mail: Damon.Dorsey@Milwcnty.com

VII. Application Workshops

Three application workshops will be held to assist applicants. Space is limited. Please contact Damon Dorsey at 278 – 4780 to reserve seat.

July 2, 2012 10:00 am	Application Workshop
July 11, 2012 1:00 pm	Housing Division 2711 W. Wells St Rm 100 Milwaukee, WI
July 18, 2012 3:00 pm	Call (414) 278 – 4780 to RSVP, space limited

VIII. Timeline

June 25 th	Applications Available
7/2, 7/11, 7/18	Application Workshop
July 27, 2012, 4 p.m	Applications due from vendors
Sep. 17, 2012	Public Hearing #2: Presentation of CDBG projects Community and Economic Development Committee meeting (regularly scheduled committee meeting)
Sep. 24, 2012(tentative date)	Community and Economic Development Committee approval of allocation recommendations of CDBG and HOME funds for 2013 program year activities (special committee meeting)
Sep 27, 2012	County Board of Supervisors approves CDBG and HOME funds for 2013 program year activities (regularly scheduled full board meeting)

Your completed proposal should include the following:

- 1) **An electronic copy of the application and supporting materials submitted to:**
Damon.Dorsey@Milwcnty.com
- 2) **Six (6), 3-hole punched, copies of the completed Milwaukee County Application for 2013 CDBG Funds Public Facilities and Public Improvement.**
- 3) **Incomplete or inadequate applications are subject to rejection.**
- 4) **Late applications (submitted after the 4 pm, July 27th deadline) will not be accepted.**
- 5) **No applications will be accepted via electronic transmission media.**
- 6) **Additional information requested in Section III above.**

Submit your completed proposal to:
Milwaukee County
Housing Division/CDBG
Attn: Damon Dorsey
2711 W Wells St Rm 100
Milwaukee, Wisconsin 53211

Proposals are due no later than July 27th, 2012 at 4 p.m.